

FILED
5/3/2022

JK

UNITED STATES DISTRICT COURT
For The Northern District of Illinois
Eastern Division

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Gwenesther Manning)	21 CV 1440
Plaintiff,)	
)	
v.)	Judge Guzman
)	
Louis DeJoy, Postmaster General)	
U.S. Postal Service)	Magistrate Judge Jantz
Defendant.)	

Motion To Show Cause

The Court has the authority to decide Plaintiff's motion to show cause pursuant to L.R. 37(1)(b) for defendant's failure to comply with the Court's order (Dkt. 59) which compelled defendant to produce documents in response to Plaintiff's first motion to compel (Dkt. 42) in response to RFP No. 2 and interrogatory No. 9. Defendant was further compelled to produce documents in response to Plaintiff's second motion to compel (Dkt. 47) in response to RFP No. 16. Defendant's productions were due by 4/21/22.

On 4/21/22, defendant produced additional documents alleging they were in response to the Court's order on Plaintiff's RFP no. 16 (Dkt. 47) which asked for the Clerks monthly roster/and or work schedules during the period of 3/18 - 4/19. Defendant's cover letter (Exh. 13 pg. 4) identified seven (7) documents nos. USPS-00005262 - 5263 and USPS-000005271 - 5275 as responsive as follows.

USPS document no. 5262-5263 (Exh. 14 pg. 6) is the clerks holiday schedule for 9/1/18 which was not initialed by anyone. The protocol is for the employee to indicate their answer by initialing in the yes or no column. No one initialed either way. On top of that, the schedule is for one day only and can not be substituted for the clerks monthly roster and/or work schedule. Document no. 5263 (Exh. 15 pg. 7) only has the name of Twenty Second St Management on the page. Documents USPS-5271 - 5275 nos. state on the face "Natively Produced" no other information is on the page. (Exhs. 16 pgs. 8 - 12) USPS no. 5276 (Exh. 17 pg. 13) is a list of

clerks for the Chicago Central Carrier Annex station dated 11/21/28 which is not to be confused with Twenty Second St. Station. Therefore none of the documents identified by defendant were responsive to Plaintiff's RFP no. 16. Defendant did not comply with the Court's order. Dkt. 59.

Plaintiff's RFP no. 2 requested the Overtime Desired Lists for Clerks at 22nd St. Station. Defendant did not produce OT desired list for clerks at 22nd St. Station. Defendant concedes that the documents USPS 5264 - 5267 produced do not appear to be responsive to Plaintiff's RFP no. 2. (Exh 13 pg. 4) Instead, defendant produced two (2) overtime desired list for letters carriers at 22nd St. Station dated 1/2/18 (Exh. 18 pgs.14 -15) and 7/13/18 (Exhs. 19 pgs. 16-17) Therefore, defendant productions were not responsive to RFP no. 2 and not in compliance with the Court's order to compel Dkt. 59.

Defendant was also ordered to respond to Plaintiff's interrogatory no. 9 to produce the document from management to APWU's local union president Keith Richardson giving written Notification before reassigning ill or injured light or limited duty employees to a cross-craft assignment. (Dkt. 59) Counsel sent an email on 4/22/22 advising that the Postal Service did not locate any notification to Keith Richardson concerning cross craft assignments. (Exh. 19 pg. 18)

Defendant, was issued a Litigation Hold notice dated 5/24/18; therefore, defendant had notice to retain records for litigation. (Exh. 20 pg. 19). Defendant failed to produce document which would support Plaintiff's case because defendant has argued that work was not available as noted by the Court that defendant repeatedly posits that plaintiff's application for light duty work was rejected in July 2018 because there was no available light duty work for plaintiff to perform. *See, e.g.*, Dkt. 50 at 8. Plaintiff is entitled to test that assertion. (Dkt. 59, Pg. 6) Defendant is not in compliance with the Court's order, Dkt. 59.

Plaintiff Respectfully Request that the Court grant this Motion to Show Cause and enter an order pursuant to 37(b)(2)(A)(B)(C) that:

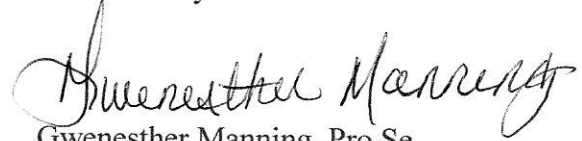
(A) the matters regarding RFP nos. 2 & 16 for which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) refuse to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting defendant from introducing designated matters in evidence;

(C) Strike out pleadings or parts thereof; and/or

(D) Any relief the Court deems just.

Submitted by:



Gwenesther Manning, Pro Se
19214 Lange St.
Lansing, IL 60438
Keeppushing55@yahoo.com

Certificate of Service

I, Gwenesther Manning, certify a copy of Plaintiff's Motion For Contempt was sent to Virginia Hancock at 219 S. Dearborn St, Room 500, Chicago, IL 60604 via email and 1st class mail on May 3, 2022.

Submitted by:



Gwenesther Manning, Pro Se
19214 Lange St.
Lansing, IL 60438
Keeppushing55@yahoo.com



U.S. Department of Justice

United States Attorney
Northern District of Illinois

Virginia O. Hancock
Assistant United States Attorney

Dirksen Federal Courthouse
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604

Phone: 312-353-1998
Fax: 312-886-4073
virginia.hancock@usdoj.gov

April 21, 2022

Via Email, USAfx and FedEx

Gwenesther Manning
19214 Lange Street
Lansing, Illinois 60438
keeppushing55@yahoo.com

Re: *Gwenesther Manning v. Louis DeJoy*, No. 21 C 1440 (N.D. Ill.)

Dear Ms. Manning:

I have enclosed the Postal Service's supplemental document production, Bates numbered USPS-000005261 to USPS-000005629.

The documents are responsive to your requests for production, as follows:

- **USPS-000005621, USPS-000005269 to 5270:** Supplemental response to Request No. 5 from your 4th Request for Production of Documents. This completes the Postal Service's response to Request No. 5.
- • **USPS-000005262 to 5263, USPS-000005271 to 5276, USPS-000005268:** Supplemental response to Request No. 16 from your 2nd Request for Production of Documents. This completes the Postal Service's response to Request No. 16, as ordered by the court.
- • **USPS-000005264 to 5267:** Supplemental response to Request No. 2 from your 1st Request for Production of Documents. Please note that USPS-000005266 and USPS-000006267 are titled "Work Sign Up Lists" and do not appear to be "Overtime Desired Lists." We are producing these documents to you notwithstanding that they do not appear to be responsive to your request. As you can see from the documents produced, the Overtime Desired Lists typically existed in hard copy paper format. These are the only Overtime Desired Lists that we have located after our email review. This completes the Postal Service's response to Request No. 2, as ordered by the court.

EXH 13

Gwenesther Manning
April 21, 2022
Page 2

- **USPS-000005277 to 5326:** Supplemental response to Request No. 6 from your 4th Request for Production of Documents. These are various lists of light duty employees that the Postal Service identified through its searches for ESI during the specified time period. As the Postal Service stated in its response to Request No. 6, there is no district-wide list of all employees who were awarded or denied light duty. This completes the Postal Service's response to Request No. 6.
- **USPS-000005327 to 5629:** Supplemental response to Request No. 14 from your 4th Request for Production of Documents. The Postal Service has completed its search for PSEs who were borrowed from other stations and worked at the 22nd Street Station during the specified time period and has located two additional PSEs, Verna Davis and Tanya Burnett. The Postal Service is producing their TACS reports and an excerpt from Davis's eOPF file here. The Postal Service identified these PSEs by consulting with supervisors who worked at the the 22nd Street Station during the relevant time period and searching the managers' emails for discussion of borrowed PSEs. We have thus produced records relating to all of the borrowed PSEs who we could locate, in addition to the records relating to all of the PSEs who were assigned to the 22nd Street Station. As the Postal Service stated in its response to Request No. 14, there is no list of borrowed PSEs who worked at the 22nd Street Station. This completes the Postal Service's response to Request No. 14.

Very truly yours,

JOHN R. LAUSCH, Jr.
United States Attorney

By: /s/ Virginia O. Hancock
VIRGINIA O. HANCOCK
Assistant United States Attorney

Enclosures

EXH 13

5

4 CHANGE OF LIST

08/28/2018

The following CLERKS volunteer to work
their HOLIDAY SEPTEMBER 1, 2018

YES NO

CASSANDRA L GLOVER

PAMELA MURRY-PERKINS

LENEICIA WHITEHORN

COTTRELLE HALL

TROY HARRELL

EXH 14

6

LETTER CARRIERS

Twenty-Second St
Management

Ext 15

7

5271 - 5276

Document Produced Natively

Ex 16

8

Document Produced Natively

ExH 16

9

Document Produced Natively

ExH 16

10

Document Produced Natively

ExH 16

11

Document Produced Natively

ExH 16

12



FULL TIME CLERKS

**EMPLOYEES THAT VOLUNTEERED AND ARE SCHEDULED TO WORK
THANKGIVING DAY HOLIDAY**

WEDNESDAY NOVEMBER 21, 2018

WALKER, B

WALLACE, F

OWENS, A

CRATION, L

HARRIS, C

O'NEAL, R

CALDWELL, T

JPierce
CHICAGO CENTRAL ANNEX MANAGEMENT
MANAGER, CUSTOMER SERVICE

Ext 17

1/2/18

STATION:

22 Nov

STATION: 100
JAN FEB. MAR

Q-1-2018

RECEIVED
AUG 14 2010

~~AUG 14 2018~~

CHAS D. DUFFY
BRANCH NO. 11 NALC

Exit 18

14

128

STATION:

STATION. LA 2
JAN. FEB, MAR. SIG

SIGNATURE

[illegible]

RECEIVED
AUG 14 2018

AUG 14 2018
CHAS D. DUFFY
BRANCH NO. 11 NALC

ExH 18

15

9-3-2018

7/13/18

22nd

RECEIVED
AUG 14 2018
CHAS D. DUFFY
BRANCH NO. 11 NALC

ExH 19

16.

22 net.

7/13/18

22 net.

RECEIVED
AUG 14 2019

CHAS D. DUFFY

BRANCH NO. 11 NALC

17

Re: Manning v DeJoy

From: G Manning (keeppushing55@yahoo.com)

To: virginia.hancock@usdoj.gov

Date: Friday, April 22, 2022, 08:51 AM CDT

Ms. Hancock:

Acknowledged.

Gwenesther Manning, Pro Se
19214 Lange Street
Lansing, IL 60438
312-622-5783
keeppushing55@yahoo.com

On Thursday, April 21, 2022, 07:32:51 PM CDT, Hancock, Virginia (USAILN) <virginia.hancock@usdoj.gov> wrote:

Dear Ms. Manning,

In my production letter today I inadvertently omitted that the Postal Service did not locate any cross-craft notifications to Keith Richardson, from anyone, in its ESI searches. This completes the Postal Service's response to your Interrogatory No 9.

Thank you,

Virginia Hancock
Assistant U.S. Attorney
219 S. Dearborn Street, Room 500
Chicago, Illinois 60604
Pronouns: she/her
Office: (312) 353-1998
Cell: (312) 371-8655
Email: virginia.hancock@usdoj.gov

Ex 19

18



Failure to Return Signed Litigation Hold Notice

This matter concerns the following: **Gwenesther Faye Manning, 4J-606-0034-18**

On **May 24, 2018**, a Litigation Hold Notice was sent to **Tiffany R. Bates, Manager, Customer Services, 22nd Street Station**. As of the completion of this investigation, the notice has not been signed and returned to the undersigned investigator.

This notice serves to notify all interested parties that **Tiffany R. Bates** did not return a signed Litigation Hold notice indicating they had read and would comply with the Notice.


Janet Jones
Contract EEO Investigator

Date:

July 26, 2018

EXH 20

19

4

00603

USPS-000002827

UNITED STATES DISTRICT COURT
For The Northern District of Illinois
Eastern Division

Gwenesther Manning)	21 CV 1440
Plaintiff,)	
)	
v.)	Judge Guzman
)	
Louis DeJoy, Postmaster General)	
U.S. Postal Service)	Magistrate Judge Jantz


Declaration of Gwenesther Manning

I, Gwenesther Manning, Plaintiff, state that I can competently testify to the following facts in support of the attached Motion to Show Cause:

1. Defendant failed to comply with the Court's Order Dkt. 59 to produce monthly rosters and/or clerk schedules during the period of 3/18 through 4/19 in response to Plaintiff's RFP no. 16 as ordered.
2. Defendant failed to comply with the Court's Order to produce the clerks Overtime Desired list during the period of 3/18 through 4/19 in response to Plaintiff's RFP no. 2 as ordered. *Id.*
3. Defendant failed to comply with the Court's Order to produce the document from management to APWU's local union president Keith Richardson giving notice to cross craft assignments, as required, during the period of 3/18 through 4/19 in response to interrogatory no. 9. *Id.*
4. Defendant's actions are in direct contravention of the Court's order. Dkt. 59.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

May 3, 2022
(Date)


Gwenesther Manning, Pro Se
19214 Lange St.
Lansing, IL 60438
Keeppushing55@yahoo.com